

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:00-00194

CARLITO HARRIS CARTER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On October 6, 2006, the United States of America appeared by W. Chad Noel, Assistant United States Attorney, and the defendant, Carlito Harris Carter, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Keith E. Zutaut, the defendant having commenced a sixty-months-less-one-day term of supervised release in this action on January 21, 2005, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on August 6, 2004.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: That on April 26, 2005, the defendant's state parole officer conducted a home visit at the defendant's residence at which time the defendant was observed seated on the driver's side of an automobile. When the defendant saw the officer he fled the scene. The parole officer found what appeared to be crack cocaine in five individually packed baggies and one sandwich baggie of marijuana. The substances field tested positive for cocaine and marijuana. Attempts to locate the defendant after he fled were unsuccessful rendering his whereabouts unknown to the probation officer. The defendant agreed on the record of the hearing that the government possesses sufficient evidence to prove the offense of possession with intent to distribute by a preponderance of the evidence and the defendant admitted to having fled the scene and that his whereabouts were thereafter unknown.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

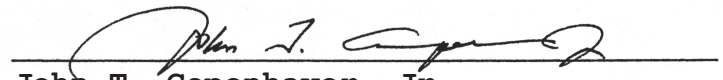
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS to be followed by a term of FORTY-EIGHT MONTHS LESS ONE DAY of supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime. It is further ORDERED that, with respect to defendant's twelve-month term of imprisonment, he shall receive credit for time served while in custody awaiting hearing and sentencing from August 9, 2005, to October 6, 2005.

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The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 31, 2005

  
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John T. Copenhaver, Jr.  
United States District Judge